



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,105	05/02/2007	Dan H Barouch	01948/098003	4894
21559	7590	10/06/2009		
CLARK & ELBING LLP 101 FEDERAL STREET BOSTON, MA 02110			EXAMINER DIBRINO, MARIANNE NMN	
			ART UNIT 1644	PAPER NUMBER
			NOTIFICATION DATE 10/06/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentadministrator@clarkelbing.com

Office Action Summary	Application No. 10/580,105	Applicant(s) BAROUCH ET AL.	
	Examiner Marianne DiBrino	Art Unit 1644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5, 7-9, 12, 15-17, 19-38, 40-44, 46-53, 56-62 and 64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1, 5, 7-9, 12, 15-17, 19-38, 40-44, 46-53, 56-62, and 64 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's preliminary amendment received May 19, 2006 is acknowledged.

Claims 2-4, 6, 10, 11, 13, 14, 18, 39, 45, 54, 55, and 63 have been canceled.

Claims 1, 5, 7-9, 12, 15, 17, 19, 20, 22-24, 27-37, 40-44, 46-49, 51-53, 56, 59-62, and 64 have been amended.

Claims 1, 5, 7-9, 12, 15-17, 19-38, 40-44, 46-53, 56-62, and 64 are currently pending in the instant application.

Election/Restrictions

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 1, 5, 7-9, 12, 15-17, 19, 20, 22-25, 40-43, 49-53, 61, 62, and 64, drawn to methods of enhancing immune responses to bacterial immunogens by administering polypeptides.

Group 2, claim(s) 1, 5, 7-9, 12, 15-17, 19, 20-28, 40-43, 49-53, 61, 62, and 64, drawn to methods of enhancing immune responses to viral immunogens by administering polypeptides.

Group 3, claim(s) 1, 5, 7-9, 12, 15-17, 19, 20, 22-25, 40-43, 49-53, 61, 62, and 64, drawn to methods of enhancing immune responses to fungal immunogens by administering polypeptides.

Group 4, claim(s) 1, 5, 7-9, 12, 15-17, 19, 20, 22-25, 40-43, 49-53, 61, 62, and 64, drawn to methods of enhancing immune responses to parasitic immunogens by administering polypeptides.

Group 5, claim(s) 1, 5, 7-9, 12, 15-17, 19, 20, 29-32, 40-43, 49-53, 61, 62, and 64, drawn to methods of enhancing immune responses to autoimmune immunogens by administering polypeptides.

Art Unit: 1644

Group 6, claim(s) 1, 5, 7-9, 12, 15-17, 19, 20, 29-32, 40-43, 49-53, 61, 62, and 64, drawn to methods of enhancing immune responses to tissue rejection immunogens by administering polypeptides.

Group 7, claim(s) 1, 5, 7-9, 12, 15-17, 19, 20, 29-32, 40-43, 49-53, 61, 62, and 64, drawn to methods of enhancing immune responses to allergens by administering polypeptides.

Group 8, claim(s) 1, 5, 7-9, 12, 15-17, 19, 20, 33-38, 40-43, 49-53, 61, 62, and 64, drawn to methods of enhancing immune responses to cancer immunogens by administering polypeptides.

Group 9, claim(s) 1, 5, 7-9, 12, 15-17, 19, 20, 22-25, 40-44, 46-48, 49-51, 56-62, and 64, drawn to methods of enhancing immune responses to bacterial immunogens by administering polynucleotides.

Group 10, claim(s) 1, 5, 7-9, 12, 15-17, 19, 20, 21-28, 40-44, 46-48, 49-51, 56-62, and 64, drawn to methods of enhancing immune responses to viral immunogens by administering polynucleotides.

Group 11, claim(s) 1, 5, 7-9, 12, 15-17, 19, 20, 22-25, 40-44, 46-48, 49-51, 56-62, and 64, drawn to methods of enhancing immune responses to fungal immunogens by administering polynucleotides.

Group 12, claim(s) 1, 5, 7-9, 12, 15-17, 19, 20, 22-25, 40-44, 46-48, 49-51, 56-62, and 64, drawn to methods of enhancing immune responses to parasitic immunogens by administering polynucleotides.

Group 13, claim(s) 1, 5, 7-9, 12, 15-17, 19, 20, 29-32, 40-44, 46-48, 49-51, 56-62, and 64, drawn to methods of enhancing immune responses to autoimmune immunogens by administering polynucleotides.

Group 14, claim(s) 1, 5, 7-9, 12, 15-17, 19, 20, 29-32, 40-44, 46-48, 49-51, 56-62, and 64, drawn to methods of enhancing immune responses to tissue rejection immunogens by administering polynucleotides.

Group 15, claim(s) 1, 5, 7-9, 12, 15-17, 19, 20, 29-32, 40-44, 46-48, 49-51, 56-62, and 64, drawn to methods of enhancing immune responses to allergens by administering polynucleotides.

Group 16, claim(s) 1, 5, 7-9, 12, 15-17, 19, 20, 33-38, 40-44, 46-48, 49-51, 56-62, and 64, drawn to methods of enhancing immune responses to cancer immunogens by administering polynucleotides.

3. The inventions listed as Groups 1-16 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The technical feature linking the instant inventions is the use of FLT-3 ligand and MIP-1alpha to increase immune responses to an antigen. Chen discloses the use of FLT-3L and MIP-1alpha to increase immune responses as part of HIV vaccines (see entire document, particularly the abstract, lines 1-31 of column 3, and lines 40-51 of column 21). Since the technical feature linking the instant inventions is disclosed in the prior art, the instant inventions have been found to lack unity of invention.

4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne DiBrino whose telephone number is (571)272-0842. The examiner can normally be reached on M-F 8:00-4:30.

Art Unit: 1644

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on 571-272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Szperka/
Primary Examiner, Art Unit 1644